IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 14176 of 2007(K)

PETITIONER:

THANKACHAN THOMAS,
SECRETARY, KUMARAMANGALAM SERVICE CO-OPERATIVE BANK LTD. NO.4122, KALOOR EAST P.O.,
THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.P.V.BABY

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO CO-OPERATION (C) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), IDUKKI.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
THODUPUZHA, IDUKKI DISTRICT.

4. THE PRESIDENT,
KUMARAMANGALAM SERVICE CO-OPERATIVE BANK LTD.
N.4122, KALOOR EAST P.O., THODUPUZHA,
IDUKKI DISTRICT.

R1 TO R3 BY GOVT. PLEADER SRI. P.N. SANTHOSH.
R4 BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 14176 2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE PHOTO COPY OF THE REVISION PETITION ALONG WITH STAY PETITION DATED 20.6.1992 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT. P2 : TRUE PHOTO COPY OF THE STAY ORDER DATED 4.7.1992 ISSUED BY THE 1ST RESPONDENT.

EXT. P3 : TRUE PHOTO COPY OF COMMUNICATION DATED 24.12.2004 ISSUED BY THE SECRETARY OF THE BANK IN FAVOUR OF THE PETITIONER.

EXT. P4 : TRUE PHOTO COPY OF THE ORDER DATED1.2.2007 ISSUED BY THE 2ND RESPONDENT.

EXT. P5 : TRUE PHOTO COPY OF THE ORDER DATED 13.4.2007 ISSUED BY THE 2ND RESPONDENT.

EXT. P6 : TRUE PHOTOCOPY OF THE REPRESENTATION DATED 24/2/2007 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

K.M.JOSEPH, J.

- -

WP.(C) No.14176 of 2007

- -

Dated this the 12th day of June, 2007

JUDGMENT

Petitioner has approached this court on the following allegations:

Petitioner while holding the charge of Branch Manager of the Bank, a no confidence motion was convened and a suit was filed before the District Court. Some amounts were spent by the petitioner, according to the petitioner, legally. The second respondent rescinded the resolution without hearing the petitioner. Petitioner preferred an appeal. That was rejected, against which the petitioner preferred Ext.P1 revision before the Government and obtained Ext.P2 stay order. Ext.P1 revision remains. But in the meantime petitioner is faced with recovery proceedings Exts.P3 to P5. Petitioner thereupon filed Ext.P6 before the Government and petitioner approached this court thereafter.

2. Heard counsel for the petitioner, the learned Government Pleader and Sri.V.M.Kurian, counsel for the fourth respondent.

It is not in dispute that the revision is pending and stay order is also in operation. In such circumstances, when there is stay by the

Government, it is not clear how the Government can proceed with the recovery. In such circumstances Exts.P3 to P5 are quashed. There will be a direction to the first respondent to take a decision on Ext.P1 after hearing the parties within a period of six weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

sb